

REMARKS / DISCUSSION OF ISSUES

Claims 1 – 23 are pending in the application.

The claims are not amended by the present response.

35 U.S.C. 103

Under 35 U.S.C. 103(a), the Office Action rejects claims 1 – 23 over U.S. Patent 6,806,898 by Toyama et al. (Toyama) in view of U.S. Patent 6,707,933 by Mariani et al. (Mariani).

Applicants submit that for at least the following reasons, claims 1 – 23 are patentable over Toyama and Mariani, either singly or in combination.

For example, claim 1 requires:

"if the orientation of said head is estimated to be frontal, then keeping said image unmodified, without further processing."

The Office Action, page 3, conceded that Toyama does not disclose that the image is kept unmodified when the orientation of the head is estimated to be frontal, as claimed. Because of this defect in Toyama, the Office cites Mariani, asserting that an obvious combination of Toyama and Mariani discloses the claimed invention. Applicants respectfully disagree with such assertion.

Mariani, column 3, lines 33 – 39, recites:

"Generally speaking, the systems seek to ensure that the faces transmitted through the communication networks looks satisfying. Using the face direction estimation, more than the gaze detection, it is possible to enhance the quality of the transmitted images by generating a frontal view when the face is off-frontal, or by sending a pre-registered frontal face, or by unchanging the current satisfying frontal face which is displayed."

Applicants submit that since Mariani, in the above cited text, discloses that the systems seek to ensure that the faces transmitted through the communication networks looks satisfying, therefore, Mariani strongly suggests that unsatisfying frontal faces are not transmitted. This clearly implies that further processing is required in Mariani in order to determine whether the frontal face is satisfactory. Therefore, Mariani does not teach or suggest the claimed feature: if the orientation of said head is estimated to be frontal, then keeping said image unmodified, without further processing.

Applicants further submit that Toyama, Fig. 8, column 11, lines 46 – 63, clearly discloses that the desired head pose 814 input data is used to orient the head model according to desired post 826 only after the head modeling steps 820, 822 and 824 have been completed. Toyama apparently requires a head model be completed regardless of the desired head post because the desired head post input data is not used until an image of the head model with the desired orientation is to be sent. Just sending an unmodified frontal head image without processing the image to create a head model would fundamentally alter the teaching of Toyama because an essential part of Toyama's system is to first digitally render the images of participants in a virtual 3D space so that the head post is adjustable. Therefore, if the desired head post is frontal, then the combination of Toyama and Mariani would suggest that a head model is first completed and then if the original frontal image is satisfactory, then the image of the unchanging the original satisfying face is used, or otherwise if the original frontal image is not satisfying, then a frontal post the head model is used. Since the head model processing is required regardless of the desired head post, therefore, the combined teaching of the Toyama and Mariani fails to disclose the claimed feature: if the orientation of said head is estimated to be frontal, then keeping said image unmodified, without further processing.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Yoyama and Mariani, either singly or in combination.

Similarly, independent claim 9 requires:

"if the orientation of said head is estimated to be frontal, then

keeps said image unmodified, without further processing."

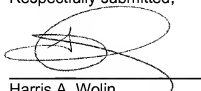
Also, independent claim 17 requires:

*"if the orientation of said head is estimated to be frontal, then
keeps said image unmodified, without further processing."*

Applicants essentially repeat the above arguments for claim 1 and apply them to claims 9 and 17 pointing out why the combination of Toyama and Mariani fails to disclose the above claimed features. Therefore, for at least the foregoing, claims 9 and 17 are patentable. Claims 2 – 8, 10 – 16 and 18 – 23 are also patentable because at least they respectively depend from claims 1, 9 and 17, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1 – 23 under 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

By: 
Harris A. Wolin
Registration No.: 39,432

For: Yan Glickberg
Registration No.: 51,742
Phone: (440) 483-3455

Please direct all correspondence to:
Corporate Counsel
U.S. PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001